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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/733,155

12/11/2003

Shantilal Hirji Modha

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EXAMINER

VARGOT, MATHIEU D

ART UNIT

PAPER NUMBER

1791

MAIL DATE

DELIVERY MODE

05/28/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/733,155	Applicant(s) MODHA ET AL.	
	Examiner Mathieu D. Vargot	Art Unit 1791	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 77-91,94-109 and 112-115 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 77-91,94-109 and 112-115 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1.The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 77-84, 88-91, 94-102, 106-109 and 112-115 are rejected under 35 U.S.C. 103(a) as being unpatentable over PCT Publication WO 02/32475 (Teoh) in view of Chen -607 and Agostinelli (see Example 1) for reasons of record.

2.Claims 85-87 and 103-105 are rejected under 35 U.S.C. 103(a) as being unpatentable over PCT Publication WO 02/32475 (Teoh) in view of Chen -607 and Holguin and further in view of Agostinelli (see Example 1) for reasons of record.

3.Applicant's arguments filed February 19, 2008 have been fully considered but they are not persuasive. Applicant argues that one of ordinary skill would not have combined the references as applied, and even if they were to be combined, they would still not teach the invention as claimed. However, such is not persuasive. For one thing, references are to be considered for all they teach, and one of ordinary skill in the art can glean subject matter even from negative teachings, or disclosures that are considered to be deficient for some reason. The primary reference teaches the basic claimed steps lacking the application of a silicone lubricant and chlorination while the glove is on the former. However, it should be noted that the instant claims do not actually recite chlorination "while on the former", but rather that chlorination precedes the stripping from the former step. Even though the hydrogel coating is supposed to replace the chlorination as argued by applicant, PCT -475 teaches that additional non-

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tackifiers are applied after the hydrogel coating. Chlorination is a method of rendering the rubber surface non-tacky. Hence, it is not clear that a hydrogel coating and a chlorination/non-tackifier coating would necessarily be mutually exclusive as argued by applicant. Surely, one of ordinary skill in the art would be motivated to also employ a chlorination should one desire the surface to be less tacky, since chlorination is known from the prior art of the primary reference to do this. Chen -607 discloses the silicone emulsion lubricant and also teaches that the gloves would be chlorinated. Applicant's comments concerning which silicone emulsion step one of ordinary skill in the art would have picked appear to be mere conjecture. The reference clearly dip coats the former into a silicone emulsion, and this is the step relied upon in the reference. While the side of the glove that is chlorinated in Agostinelli may indeed be the outer side, the reference is submitted to be validly applied for teaching chlorination while the glove is on the former. Note that the chlorination—albeit after the glove has been stripped and everted—disclosed in PCT -475 (see top of page 2) would treat the inner surface of the glove and the chlorination in Chen -607 treats both sides, since the glove is off the former. However, Agostinelli is merely being applied to teach chlorinating on a former, not the particular side of the glove that is chlorinated. Indeed, the disclosure at the top of page 2 of the primary reference already renders the particular side—ie, the inner surface-- obvious. Contrary to applicant's comments, it is submitted that one of ordinary skill in the art would have been led to the instant method since the instant steps are each well known in the art. One of ordinary skill in the art may want to employ steps that the prior art deems to be undesirable for reasons not necessarily apparent to the

prior art inventors, or indeed because the disadvantages noted by the prior art are not really as disadvantageous as thought or because they can be tolerated. Also, it should be noted that the instant claims are not restricted to chlorinating any particular side of the glove so arguments directed thereto are not probative.

4.THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5.Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mathieu D. Vargot whose telephone number is 571 272-1211. The examiner can normally be reached on Mon-Fri from 9 to 6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Johnson, can be reached on 571 272-1176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M. Vargot
May 22, 2008

/Mathieu D. Vargot/
Primary Examiner, Art Unit 1791